

FILED 06 NOV 13 09:14 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CAROL L. MOST,

06-CV-6114-AS

Plaintiff,

ORDER

v.

JOANNE B. BARNHART,  
Commissioner of Social  
Security

Defendant.

CAROL L. MOST  
P.O. Box 887  
Drain, OR 97435

Plaintiff, *Pro Se*

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**BROWN, Judge.**

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#10) on October 5, 2006, in which he recommended this Court grant Defendant's Motion to Dismiss (#7) and grant Plaintiff leave to file an Amended Complaint no later than December 11, 2006, for the purpose of curing the deficiencies set forth in the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

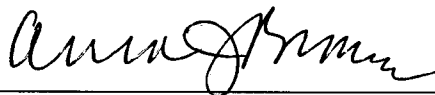
Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8<sup>th</sup> Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#10). Accordingly, the Court **GRANTS** Defendant's Motion to Dismiss (#7) and **GRANTS** Plaintiff leave to file an amended complaint no later than December 13, 2006, for the purpose of curing the deficiencies set out in the Magistrate Judge Ashmanskas's Findings and Recommendation. If Plaintiff does not file an amended complaint by December 13, 2006, this matter will be dismissed with prejudice.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of November, 2006.



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ANNA J. BROWN  
United States District Judge